

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
)  
Amendment of Section 73.622(b), ) MM Docket No. 02-3  
Table of Allotments, ) RM-10349  
Digital Television Broadcast Stations. )  
(Lakin, Kansas) )

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: April 8, 2002**

**Released: April 15, 2002**

By the Chief, Video Division:

1. At the request of Smoky Hills Public Television ("Smoky Hills"), licensee of noncommercial educational station KSWK-TV, NTSC channel \*3, Lakin, Kansas, the Commission has before it the Notice of Proposed Rule Making, 17 FCC Rcd 770 (2002), proposing the substitution of DTV channel \*8 for station KSWK-TV's assigned DTV channel \*23. Smoky Hills filed comments stating it intends to apply for DTV channel 8\*, if allotted to Lakin. No other comments were filed.

2. We believe the public interest would be served by substituting DTV channel \*8 for DTV channel \*23 since it will allow Smoky Hills to replicate its existing coverage at much lower electrical costs. DTV channel \*8 can be allotted to Lakin, Kansas, as proposed, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates (37-49-38 N. and 101-06-35 W.). In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station KSWK-DT with the following specifications:

<u>State &amp; City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
KS Lakin	*8	100	141	101

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective May 30, 2002, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Lakin, Kansas	*8

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Smoky Hills Public Television shall submit to the Commission a minor change application for a construction permit (FCC Form 340) specifying DTV Channel \*8 in lieu of DTV Channel \*23 for station KSWK-TV.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau